

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: FONG, Mo-Han; IRAQI, Ali
Serial No.: 10/673,480
Filed: September 30, 2003
Title: MULTI-CARRIER LOAD BALANCING SCHEME FOR VOICE AND DATA
Group: 2617
Examiner: HOLLIDAY, Jaime
Attorney Ref.: PAT 2151-2 US

June 24, 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia
22314-1450
U.S.A.
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PETITION TO THE DIRECTOR UNDER 37 CFR 1.182

Applicants hereby petition under 37 CFR 1.182 for review by the Director of the improper reopening and reconsideration of the instant application by the examiner, subsequent to a final determination by the Board of Patent Appeals and Interferences (BPAI) reversing all the examiner's rejections. The Fee under 37 CFR 1.17(f) is submitted.

1. BACKGROUND

1.1. This petition is not in response to any formal written correspondence received from the USPTO in regard to reopening or reconsideration of prosecution of the instant application.

1.2. On June 22, 2010, the undersigned reviewed the Electronic File Wrapper (EFW), and noted that prosecution of the instant application has been reopened subsequent to the final determination of the BPAI. As detailed below, a further search had been completed by the examiner, resulting in Reasons for Allowance that were based on a newly cited reference.

Adjustment Date: 11/18/2010 CKHLOK
06/25/2010 INTEFSW 00004640 141315 10673480
01 FC:1462 400.00 CR

1.3. On June 22, 2010, the undersigned contacted Supervisory Patent examiner (SPE) Charles Appiah by telephone to discuss the circumstances leading to the reopening of prosecution. SPE Appiah advised that he did not consider the search outlined below

5.2. Petitioner requests that this petition be granted.

5.3. Petitioner requests that:

5.3.1. the examiner's prior art search strategy and results subsequent to the BPAI decision be expunged from the file wrapper, or otherwise stricken from the record.

5.3.2. The examiner's search notes subsequent to the BPAI decision be expunged from the file wrapper, or otherwise stricken from the record.

5.3.3. The Notice of References Cited dated March 24, 2010 be expunged from the file wrapper, or otherwise stricken from the record.

5.3.4. Pages 2 - 5 of the Notice of Allowability be expunged from the file wrapper, or otherwise stricken from the record.

5.4. In the alternative, Petitioner requests that:

5.4.1. This petition be entered into the file wrapper as Comments on the Reasons for Allowance.

The Commissioner is hereby authorized to charge any additional fees, and credit any over payments to **Deposit Account No. 14-1315, in the name of Nortel Networks.**

Respectfully submitted,
FONG, Mo-Han, et al

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UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND					
1 Date of Request: <u>11/18/10</u>		2 Serial/Patent # <u>10/673,480</u>			
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT	
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